

Attorney Docket No.: J3680(C)
Serial No.: 10/520,907
Filed: July 15, 2005
Confirmation No.: 9472

RESPONSE TO RESTRICTION REQUIREMENT

Pursuant to the Office Action of March 9, 2009, election has been required as among the Group I, II and III claims. Responsive thereto, Applicants hereby elect the Group I claims (claims 1 to 10) for prosecution; this election is made without traverse.

Election has also been required of specific constituents for the claim 1 formula. Accordingly, the following elections are made:

R₁, R₂ and R₃ are methyl;

Y is an hydroxyl group; and

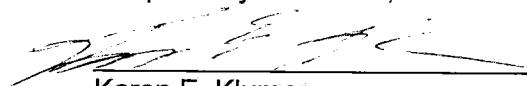
X is a substituted alkyl chain, if further election is required, Applicants provisionally elect X being a hydroxyl substituted alkyl chain.

If still further election is required, Applicants provisionally elect 3,3-dimethyl-1,2-butane diol as the elected species. Claims 1 to 14 read on the elected species. It is respectfully submitted that the relatively small number of substitutents recited in the subject claims does not give rise to an undue searching burden; accordingly, this election is made with traverse and reconsideration thereof is respectfully requested.

Election has also been required as among the uses set forth in claims 11 to 13 for the Group III uses. Based on the election of the Group I claims, such species election is believed to be moot, however, for completeness, Applicants provisionally elect use for smoothing hair; claim 11 reads on such use election. It is respectfully submitted that searching on the three claimed uses (which are related as uses for treating symptoms of damaged hair or preventing the symptoms of damaged hair) do not give rise to an undue searching burden; accordingly, this election is made with traverse and reconsideration thereof is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required to our deposit account No. 12-1155, including all required fees under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F.R. §1.18; 37 C.F.R. 1.136.

Respectfully submitted,


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